

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
) Cr. No. 04-10336-NMG
JOSE SANTIAGO ET AL.)
)
Defendants)

GOVERNMENT'S OPPOSITION TO DEFENDANT SANCHEZ'S
MOTION FOR LEAVE TO FILE MOTIONS *IN LIMINE* LATE

Introduction

The United States, by its attorneys, Michael J. Sullivan, United States Attorney, and William F. Bloomer, Assistant U.S. Attorney, submits its Opposition to the defendant's request for additional time to file motions *in limine*.

In a procedural order dated March 23, 2006, the Court instructed counsel to submit motions *in limine* four weeks prior to trial, which in this case resulted in a due date of September 15, 2006. The Court further set a date for objections to motions *in limine* to be filed one week later (September 22, 2006). The government's 21-day discovery disclosures under Local Rule 116.2 and the Expert Disclosures from the defense are due September 25, 2006.

Defendant has offered no grounds or good cause justifying an extension for filing motions *in limine*. In a multi-defendant case such as the present one, which is just weeks from trial, it is of paramount importance for the Court to enforce filing

deadlines in order to minimize potential unfairness or prejudice to any party. See e.g. Local Rule 116.3(H) (requiring defendants in multi-defendant cases to confer prior to filing any discovery motion). At most, defendant may be entitled to file a motion *in limine* solely limited to an issue raised specifically by the government's 21-day discovery disclosures (and similarly, the government should be able to respond to any "expert disclosures" under Fed. R. Crim. P. 16 and Fed. R. Evid. 702). But the defendant certainly should not be permitted to file *carte blanche* motions *in limine* based upon information which has been in his possession for close to two years.

For the above-enunciated reasons, the government respectfully urges this Court to deny the defendant's motion *in limine*, or, in the alternative, to limit its application to any new information disclosed in the government's 21-day discovery package.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ William F. Bloomer
William F. Bloomer
Assistant U.S. Attorney
One Courthouse Way
Boston, MA
(617) 748-3644

Date: 22 September 2006

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/s/ William F. Bloomer
William F. Bloomer